

111TH CONGRESS
1ST SESSION

H. R. 1403

To amend the Richard B. Russell National School Lunch Act to require schools participating in the school lunch program under such Act to donate any excess food to local food banks.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2009

Mr. WOLF introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Richard B. Russell National School Lunch Act to require schools participating in the school lunch program under such Act to donate any excess food to local food banks.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Food Recovery
5 Act”.

1 **SEC. 2. FOOD DONATION PROGRAM.**

2 Section 9 of the Richard B. Russell National School
3 Lunch Act (42 U.S.C. 1758) is amended by adding at the
4 end the following:

5 “(k) **FOOD DONATION PROGRAM.**—

6 “(1) **IN GENERAL.**—The Secretary shall require
7 each school participating in the school lunch pro-
8 gram under this Act to donate any food not con-
9 sumed under such program to eligible local food
10 banks or charitable organizations.

11 “(2) **PLAN REQUIREMENT.**—Each school de-
12 scribed in paragraph (1) shall prepare and submit to
13 the local educational agency that serves such school
14 a plan that—

15 “(A) describes how such school will carry
16 out the food donation program requirements
17 under this subsection;

18 “(B) identifies the name and contact infor-
19 mation of the school employee administering the
20 food donation program; and

21 “(C) identifies any eligible local food banks
22 or charitable organizations that are located
23 within the jurisdiction of the same local govern-
24 ment as the local educational agency that serves
25 such school is located.

1 “(3) REPORTING REQUIREMENT.—Not later
2 than the first day of the fiscal year after the effec-
3 tive date of this subsection, and annually thereafter,
4 each local educational agency that receives plans
5 under paragraph (2) shall submit to the Secretary
6 such plans.

7 “(4) DATABASE REQUIREMENT.—Not later
8 than 2 years after the effective date of this sub-
9 section, the Secretary shall develop and maintain a
10 database of the information described in paragraph
11 (2)(B).

12 “(5) GUIDANCE.—

13 “(A) IN GENERAL.—Not later than 180
14 days after the effective date of this subsection,
15 the Secretary shall develop and publish guid-
16 ance to schools and local educational agencies
17 participating in the school lunch program under
18 this Act to assist such schools and local edu-
19 cational agencies in meeting the requirements
20 of this subsection.

21 “(B) UPDATES.—The Secretary shall up-
22 date such guidance as necessary.

23 “(6) LIABILITY.—Any school or local edu-
24 cational agency making donations pursuant to this
25 subsection shall be exempt from civil and criminal li-

1 ability to the extent provided under the Bill Emer-
2 son Good Samaritan Food Donation Act (42 U.S.C.
3 1791).

4 “(7) DEFINITIONS.—In this subsection:

5 “(A) ELIGIBLE LOCAL FOOD BANKS OR
6 CHARITABLE ORGANIZATIONS.—The phrase ‘eli-
7 gible local food banks or charitable organiza-
8 tions’ means any food bank or charitable orga-
9 nization which is exempt from tax under section
10 501(c)(3) of the Internal Revenue Code of 1986
11 (26 U.S.C. 501(c)(3)).

12 “(B) LOCAL GOVERNMENT.—The term
13 ‘local government’ means a city, county, town-
14 ship, or other general-purpose political subdivi-
15 sion of a State.”.

16 **SEC. 3. EFFECTIVE DATE.**

17 The amendments made by this Act shall take effect
18 not later than July 1 of the year of the enactment of this
19 Act.

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